

## Article 8 Development Standards

### 8.1. Transportation Standards.

#### 8.1.1. Intent and Purpose.

The intent of these provisions is that any use of land be designed and operated to:

- A. Ensure safe travel for all moving along public ways and in and out of private property
- B. Encourage the use of public transportation, shared mobility services, walking, and bicycling
- C. Decrease vehicular air and water pollutant emissions, conserve energy resources, and reduce ambient noise levels by reducing vehicular trips, total vehicle miles traveled, and traffic congestion within the city
- D. Reduce the demand for parking facilities and increase the capacity and efficiency of existing transportation infrastructure
- E. Protect the use of adjacent property from nuisance caused by noise, fumes, and glare of headlights
- F. Enhance and protect the visual quality of the city

#### 8.1.2. Parking Standards Overview.

##### A. General Parking Definitions.

1. **Parking Space.** A demarcated area in a parking lot or structure intended for the parking of one vehicle (bicycle, motor vehicle, motorcycle, or similar).
  2. **Accessory Parking Spaces.** The physical parking spaces for bicycles or motor vehicles created as an accessory site characteristic to a building on the property.
  3. **Parking Uses.**
    - a. **On-site Parking.** The use of parking spaces on a property as an accessory use to a primary use on the property.
    - b. **Off-site Parking.** The use of parking spaces unrelated to a use on the property, whether by the public at large or a specific use on a separate property.
    - c. **Commercial Parking.** Parking made available to the public at large as a commercial land use, either as a primary use or an accessory use, by the hour, day, month, or year.
    - d. **Public Parking.** Parking available to the public at large that is managed by the City of Newton, the Massachusetts Department of Transportation, or another government entity.
- B. All accessory parking spaces must be developed in accordance with the design standards in Article 8.

- C. The number of required accessory bicycle and motor vehicle parking spaces changes depending on the intensity of the commercial uses and the number of residential units in the building Properties are required to provide accessory bicycle and motor vehicle parking spaces in accordance with the standards for the district (Sec. 3.7, 4.7, 5.5, 6.7, and 8.1).

### 8.1.3. Accessory Bicycle Parking Spaces

#### A. General Design Standards.

1. Each bicycle parking space must be a minimum of 2 feet by 6 feet in size.
2. Areas designed for bicycle parking spaces must have a hard, stabilized surface.
3. Bicycle parking spaces must have at least one access aisle at least 5 feet wide to allow room for maneuvering. This access aisle must be kept free from obstructions and may be shared with pedestrian traffic.
4. Bicycle racks and lockers must be installed in accordance with the standards below or according to manufacturer's specifications. Where there is a conflict between manufacturer's specifications and city standards, the Commissioner of ISD may issue a Zoning Consistency Determination to allow the manufacturer's specifications to be utilized.
5. **Bicycle Racks.** All bike racks must:
  - a. Be a fixed-in-place stand that is securely anchored
  - b. Provide support to the bicycle frame, allowing it to stand upright without the use of a kickstand, and prevent the bicycle from falling over
  - c. Be configured to provide two points of contact to allow locking of the frame and at least one wheel with a user-provided locking device
  - d. Be constructed of materials that resist cutting, rusting, bending, or deformation
  - e. Be arranged in rows (with bicycles parked side-by-side) or in alignment (with bicycles parked end-to-end)
6. **Bike Lockers.** All bike lockers must:
  - a. Be fully covered and protected from weather
  - b. Be constructed of materials that resist cutting, rusting, bending, or deformation
  - c. Provide locked security

#### B. Short-Term Bicycle Parking.

1. **Short-term Bicycle Parking, defined.** Accommodations for the parking of a bicycle for two hours or less.
2. Short-term bicycle parking may be provided in any combination of bicycle racks and bicycle lockers. Racks that are double height or require hanging of a bicycle are prohibited for short-term bicycle parking.
3. Location of short-term bicycle parking.
  - a. Short-term bicycle parking must be within 50 feet of the principal entrance of the use served by the parking. This distance may be waived by Administrative Site Plan Approval, if the short-term bicycle

parking is no further from the principal entrance than the nearest motor vehicle parking spaces.

- b. If required short-term bicycle parking is not visible from the street or principal entrance(s), a sign must be posted at the principal entrance(s) indicating the location of the parking.
  - c. Short term bicycle parking requirements may be met through the installation of bike racks installed on a sidewalk of an abutting public street with written approval by the Commissioner of Public Works.
4. Short-term bicycle parking must be at the same grade as the abutting sidewalk or at a location that can be reached by an accessible route from the sidewalk that is a minimum of 5 feet wide, with no steps and a 6% slope or less.
  5. Any required short-term bicycle parking provided in a structure or under cover must be:
    - a. Provided at ground level
    - b. Provided free of charge
    - c. Clearly marked as bicycle parking
    - d. Separated from vehicle parking by a physical barrier such as a curb to minimize the possibility of parked bicycles being hit by a vehicle
    - e. Co-located in relative proximity to the nearest vehicular parking spaces

#### C. Long-Term Bicycle Parking.

1. **Long-term bicycle parking, defined.** Accommodations for the parking of a bicycle for two or more hours.
2. Long-term bicycle parking serving multiple uses may be combined into a single area or accessory structure.
3. Long-term bicycle parking must be provided in a well-lit, secure location within the same building as the use the parking is intended to serve or within an accessory structure located within 200 feet of the principal entrance of the building.
4. All required long-term bicycle parking spaces must be designed to provide continuous shelter from the elements and security.
  - a. To provide security, long-term bicycle parking must either be:
    - i. In a locked room
    - ii. In a covered structure that is enclosed with a locked gate. The enclosure must be either 8 feet high or be floor-to-ceiling.
  - b. Long-term bicycle parking may be provided through any combination of racks or lockers.
5. Where long-term bicycle parking is located adjacent to motor vehicle parking or loading facilities, a physical barrier such as a curb must be provided to prevent potential damage to bicycles by other vehicles.
6. No more than 40% of long-term bicycle parking space may be provided as racks that require bicycles to be hung or lifted off the ground or floor.

7. When 20 or more long-term bicycle parking spaces are provided, a minimum of 5% of the spaces must be 3 feet by 8 feet in size to accommodate tandem bicycles or bicycles with trailers.
8. When 50 or more long-term bicycle parking spaces are provided, a bike repair station is required.

#### D. Alternative Compliance.

1. The provisions of section 8.1.3 may be modified by special permit from the Planning Board to accommodate alternative technologies and methods for providing bicycle parking.
2. **Review Criteria.** In its discretion to approve or deny a special permit authorizing an alternative method of providing bicycle parking, the Special Permit Granting Authority must find that the application meets the following criteria:
  - a. The criteria for all Special Permits specified in Sec. 11.4.3.
  - b. The ability of alternative technologies and methods of bicycle parking to provide equal or greater benefits to bicycle users.

### 8.1.4. Motor Vehicle Parking.

#### A. Definitions.

1. **Parking Area.** A surface parking facility with capacity for 5 or fewer motor vehicle parking spaces.
2. **Parking Lot.** A surface parking facility with more than 5 parking spaces.
3. **Parking Structure.** Any structure used for the off-street parking of more than 3 motor vehicles.
4. **Mechanical access parking.** Machinery used to efficiently park vehicles without the aid of a driver.

#### B. General Design Standards.

1. Parking lots and structures must be designed so that vehicles enter or exit onto a public street in a forward direction rather than backing out into the roadway.
2. Ingress and egress from individual parking spaces in a parking lot or structure must be from a maneuvering aisle or driveway.
3. Outdoor parking lots must be graded and surfaced to accommodate motor vehicles during all weather conditions.
4. **Lighting.** Parking lots must meet the lighting standards of Sec. 8.9.
5. **Accessibility.** All parking spaces, lots, and structures must comply with relevant State and Federal regulations for parking designed for persons with disabilities, including 521 CMR 300.
  - a. Accessible parking spaces are counted in the number of required motor vehicle parking spaces.
6. **Signage.** All traffic control signs must be installed in accordance with the Manual of Uniform Traffic Control Devices (MUTCD) and 521 CMR 300.
7. **Dimensions.** All parking spaces and maneuvering aisles must comply with the minimum dimensional standards shown below, with the following exceptions:

- a. Motorcycle and scooter parking spaces must measure at least 4 feet in width and 8 feet in depth.
- b. Mechanical access parking is exempt from parking space and drive aisle dimensional requirements.
- c. When 20 or more spaces are required, up to 20% of those spaces may be designed as parking for compact cars with the minimum space length reduced to 16 feet and minimum space width reduced to 7.5 feet for all but parallel spaces. Compact spaces must be clearly identified with a pavement marking and signage.
- d. When the side of a parking space abuts a wall or other obstruction that is taller than 6 inches, the width of the parking space must be increased by one foot.

	Parallel	45 Degrees	60 Degrees	90 Degrees
Space Width (min.) Measured from center to center of the space demarcation lines, or the length of the demarcation line for parallel spaces	7 ft.	9 ft.	9 ft.	8 ft.
Space Length (min.) Measured along the length of the demarcated line, or between demarcation lines for parallel spaces	20 ft.	18 ft.	18 ft.	16 ft.
Maneuvering Aisle, 1 Way (min.)	12 ft.	12 ft.	12 ft.	12 ft.
Maneuvering Aisle, 2 Way (min.)	20 ft.	-	-	20 ft.
Vertical Clearance	7.5 ft.	7.5 ft.	7.5 ft.	7.5 ft.

**C. Driveways.**

- 1. Driveways must be located to minimize conflict with automobile, bicycle, and pedestrian traffic on the street and where good visibility and sight distance are available.
- 2. Driveways may be no wider than 12 feet if providing one-way access to a parking area and no wider than 24 feet if providing two-way access to a parking area.
  - a. As an exception to the above, driveways and vehicular entrances to parking areas with 5 or fewer parking spaces must be between 8 feet and 12 feet in width.

**D. Parking Lots.**

- 1. **Access.** Pedestrian access from parking lots must lead directly to a public sidewalk (i.e., not just directly into a building).
- 2. **Design & Construction.**
  - a. No surface parking lot may have a grade in excess of 10%.
  - b. Individual parking spaces must be delineated with paint or similar method and maintained in clear, visible condition to identify the parking spaces from drive aisles and other circulation features.
  - c. Wheel stops, bumper guards, or other alternatives must be installed to prevent vehicles from damaging or encroaching upon any sidewalk,

landscaping, fence, wall, or structure and must be properly anchored and secured into the ground.

- d. **Charging Stations.** Any parking lot of 20 or more parking spaces must provide that 10% of parking spaces have electric vehicle charging stations and an additional 10% that are “EV Ready” with appropriate conduit for future charging installations.
    - i. A Special Permit may be granted by the Planning Board to reduce or eliminate this requirement where it is determined that other commensurate design or management features on the property will serve to promote the use of electric vehicles by tenants or visitors to the property.
  - e. Parking lots abutting or within 20 ft of a public street must be effectively screened by a building, perimeter wall, fence, or landscaping.
    - i. Perimeter walls, fences, and landscaping must be no more than 4 feet in height measured from the surface of the lot, no less than 50% opaque, and designed to allow surveillance over and beyond the wall, fence, or landscape buffer by pedestrians approaching or passing the parking lot.
3. **Capacity.** Unless otherwise specified, the actual parking of motor vehicles in excess of the number of parking spaces delineated in a parking lot is prohibited.

#### E. Parking Structures.

1. **Access.** Pedestrian access to structured parking must lead directly to a public sidewalk (i.e., not just directly into a building), except underground levels, which may allow pedestrians to exit directly into a building.
2. **Design & Construction.** Unless lined by a building for non-parking uses, the front elevation of any story of a building occupied by motor vehicle parking must be designed to screen parking from the surrounding properties. The following standards apply:
  - a. The front elevation masking the floors occupied by motor vehicle parking must be seamlessly integrated into the architectural design of the building’s front elevation.
  - b. The front elevation must meet at least one of the following standards:
    - i. The front elevation includes fenestration designed to appear as windows for between 20% and 50% of the wall area of each floor
    - ii. The front elevation is at least 40% covered by landscaping (e.g. living wall or hanging plants)
    - iii. An enclosed wall covered by a mural area in accordance with Sec. 8.#.#.
  - c. The Commissioner of ISD shall seek advice from the Director of Planning and Development and/or the Urban Design Commission where there is a question in the application of this requirement.

#### F. Flexible use of Accessory Parking Spaces.

During time periods when existing accessory parking spaces (bicycle or motor vehicle, required or in excess of the minimum) are not needed to meet the parking demand of a principal use (such as when the principal use is closed for business), the property owner may make the unused or underutilized accessory parking

spaces available for other uses, including commercial parking, when the proposed use is permitted in the district where the lot is located.

#### G. Alternative Compliance.

1. The provisions of Section 8.1.4 may be modified by special permit from the Planning Board to accommodate alternative technologies and methods for providing motor vehicle parking.
2. **Review Criteria.** In its discretion to approve or deny a special permit authorizing an alternative method of providing motor vehicle parking, the Special Permit Granting Authority must find that the application meets the following criteria:
  - a. The criteria for all Special Permits specified in Sec. 11.4.3.
  - b. The ability of alternative technologies and methods of motor vehicle parking to provide equal or greater benefits to drivers.

#### 8.1.5. Pick-up/Drop-off Zones

- A. **Defined.** Areas along a curb or within a parking lot or structure designated for the dropping off or picking up of passengers.
- B. Standards.
  1. Any project with 50,000 square feet or more of commercial space, or a use serving children, must provide a pick-up/drop-off zone.
  2. A pick-up/drop-off zone must be at minimum of 8 feet wide and 32 feet long.
  3. The pick-up/drop-off zone may be located on a public street adjacent to the project, with an approved change to the City of Newton Traffic and Parking Regulations (TPR) through the Traffic Council.
  4. The pick-up/drop-off zone must be designed so that vehicles picking up or dropping off do not impede automobile, bicycle, or pedestrian traffic on a street.

#### 8.1.6. Loading Facilities.

- A. **General.**
  1. Buildings providing space for uses that regularly receive or distribute large quantities of goods must provide loading facilities as required by the Director of Planning and Development. Loading facilities must be of sufficient quantity to adequately serve the intended use(s).
  2. A public or private road may be utilized for loading activities in lieu of requiring a separate on-site loading facility with an approved change to the City of Newton Traffic and Parking Regulations (TPR) through the Traffic Council. Loading and unloading activities are not permitted within a public street except in a loading zone during permitted hours designated by the TPR.
  3. A loading zone may be collocated with a pick-up/drop off zone by Special Permit from the Planning Board.
    - a. **Review Criteria.** In its discretion to approve or deny a special permit authorizing an expansion of the lot coverage, the Special Permit Granting Authority must find that the application meets the following criteria:

- i. The criteria for all Special Permits specified in Sec. 11.4.3.
- ii. Management strategies to ensure that both the needs of goods loading and passenger loading are met.

**B. Design & Construction.**

1. Loading facilities, including all docks and areas used for the storing and staging of materials being transported to or from the site, must be fully enclosed within a building or located to the side or rear of buildings and screened from view from any public street or civic space.
2. Common loading facilities may be shared by 2 or more buildings or multiple uses within the same building with the approval of the Director of Planning and Development.

**C. Neighborhood Compatibility.**

1. Loading and unloading activities may not encroach on or interfere with the use of sidewalks, drive aisles, or parking areas, or public streets.
2. Maneuvering aisles and driveways may serve both required parking and loading bays if they meet the design needs of each activity.
3. Loading facilities requiring vehicles to back in from a public street are permitted.
4. Loading and unloading activities for lots abutting any Residential District are limited to the hours of the day between 7:00 a.m. and 10:00 p.m.
5. All loading docks must have signage to indicate “no idling for more than 5 minutes.”

**8.1.7. Centralized On-site and Off-site Parking.**

**A. Purpose.**

1. To allow accessory parking spaces to be shared between uses on the same lot or between buildings within 500 feet of each other when the actual demand for parking is less than the total number of spaces required by this Ordinance for each individual use.
2. To help prevent land from being unnecessarily devoted to the parking of motor vehicles.
3. To support the efficient use of Newton’s limited land area for productive uses that contribute toward the City’s tax base.
4. To encourage the efficient use of existing parking resources.
5. To reduce impermeable surfaces and associated stormwater runoff and pollution.

**B. Standards.**

1. Accessory parking spaces may be shared between uses on the same lot or adjacent lots as long as the buildings for which the parking will be shared are within 500 feet of each other.
2. Motor vehicle parking spaces for persons with disabilities may not be shared and must be provided on-site.



3. Centralized parking facilities must provide signage identifying the permitted users.

**C. Reduced Parking Requirement Calculation.**

1. Development proposing to centralize parking may use the standards in the table below to reduce the number of accessory motor vehicle parking spaces required for the combined uses. Uses qualifying as evening commercial include all uses from the Assembly & Entertainment, Restaurant, and Hotel use categories.
2. The reduction to minimum accessory parking requirements due to centralized parking is calculated as follows:
  - a. Replace each 'X' with the total number of accessory motor vehicle parking spaces required for all commercial uses. See the Vehicular Parking table for the zoning district where the lot is located to determine this number.
  - b. Replace each 'Y' with the total number of accessory motor vehicle parking spaces required for all residential uses. See the Vehicular Parking table for the zoning district where the lot is located to determine this number.
  - c. Multiply the number required by sections 8.1.6.C.2.a and 8.1.6.C.2.b (above) by the percentage as indicated for each time slot for all three columns.
  - d. Add the result of each cell together for each row.
  - e. The row (time period) with the highest total parking requirement is the reduced minimum number of parking spaces that are required for all participating uses.

Time of Day	Commercial	Evening Commercial	Residential	Total
6 AM to 9 AM	X * 25%	X * 0%	Y * 100%	= sum of this row
9 AM to 7 PM	X * 100%	X * 50%	Y * 65%	= sum of this row
7 PM to 11 PM	X * 25%	X * 100%	Y * 100%	= sum of this row
11 PM to 6 AM	X * 0%	X * 25%	Y * 100%	= sum of this row
				Highest number in this column is required minimum parking.

**D. Centralized Parking Agreements.**

1. Centralized parking requires a written agreement among all owners of record.
2. An attested copy of the agreement between the owners of record must be submitted to the Commissioner of Inspectional Services and in a form deemed acceptable by the City Solicitor's Office prior to and as a condition of the issuance of a Building Permit.
3. Revocation of an existing centralized parking agreement will only be accepted if the required off-street parking spaces are provided in accordance with the standards for the district where each property is located.

### 8.1.8. Transportation Demand Management.

#### A. Purpose.

1. To improve transportation options available to travelers and promote the use of efficient travel modes.
2. To reduce vehicular air pollutant emissions, energy consumption, and ambient noise levels by reducing automobile trips, total vehicle miles traveled, and traffic congestion within the city.
3. To reduce automobile dependence and the associated costs of owning, operating, and maintaining a motor vehicle.
4. To decrease costs associated with the construction, repair, maintenance, and improvement of city streets and parking facilities.
5. To decrease the cost of traffic enforcement and promote traffic safety.
6. To reduce the demand for vehicular parking facilities and increase the capacity and efficiency of existing transportation infrastructure.
7. To support a fiscal return on federal, state, and local financial investment made in transportation infrastructure by increasing ridership of public transportation services and reducing need to repair roadways.
8. To incorporate transportation planning considerations into development review.

#### B. Definitions.

1. **Transportation Demand Management.** A broad range of strategies intended to reduce drive-alone motor vehicle trips at the peak demand hours and increase use of public transportation, shared mobility services, walking, and biking. Transportation Demand Management is the alteration of travel behavior through a program of incentives and disincentives, services, and policies, that move drive-alone vehicle trips out of the peak travel period (e.g. change in work hours) or eliminate them altogether (e.g. through switch to carpooling or transit).
2. **Transportation Management Associations.** Organizations formed to help individual users and property owners collectively implement and administer transportation demand management programs and services.

#### C. Applicability.

1. This section is applicable to proposed development or uses that include:
  - a. Non-residential buildings or portions of buildings with 50,000 sf or more in gross floor area;
  - b. Residential buildings or portions of buildings with 25 or more net new dwelling units or rooming units;
  - c. Property owners and employers not subject to the provisions of this Section are encouraged to implement transportation demand management programs and services voluntarily.
2. The Director of Planning and Development, or designee, is responsible for reviewing, conditioning, approving, and denying transportation demand management plans and annual reports.

#### D. Transportation Demand Management Plan Requirements.

1. A project for which this section is applicable is required to submit a Transportation Demand Management Plan along with or before submitting a development review application and annual reporting after receipt of a Certificate of Occupancy in accordance with the process described in 8.1.8.E.
2. A Transportation Demand Management Plan must include the following:
  - a. A commitment to achieving a peak hour mode split target.
    - i. The mode split target identified must be consistent with and contribute to the achievement of the Comprehensive Plan of the City of Newton in accordance with the purpose of this section.
  - b. Objective targets to reduce one or more of the following: motor vehicle parking demand, single-occupant automobile trips, vehicle miles traveled, or vehicle trips associated with the development.
  - c. The Transportation Demand Management Plan must identify a phasing schedule for the project and how the plan will be implemented in conjunction with the project's phases of implementation.
  - d. Metrics and methods for performance evaluation.
3. The Director of Planning and Development shall establish submittal requirements for Transportation Demand Management Plans and annual reporting. The Director of Planning and Development shall make the submittal requirements available to the public on the City website.

#### E. Transportation Demand Management Plan Annual Reporting.

1. Transportation demand management plans must be updated on an annual basis following the receipt of a Certificate of Occupancy and submitted for approval to the Director of Planning and Development to validate continued compliance with the provisions of this Section.
2. A property required to meet the requirements of Sec. 8.1.8, must meet the peak hour mode split identified in its Transportation Demand Management Plan within 3 years of receiving a Certificate of Occupancy.
  - a. For the first 3 years of occupancy or operations, the annual report must identify parking utilization, travel behavior of employees or residents, proposed transportation demand management programs & services, and an implementation schedule to reach the peak hour mode split and additional targets.
  - b. After 3 years of occupancy or operations, a transportation demand management plan must demonstrate that the mode split and additional targets has been met, including a listing of the programs and services, incentives/disincentives, that have been used in the past year. The annual report must identify additional strategies to be utilized in the next year if the mode split target is not met.
  - c. Failure to achieve the identified peak hour mode split target after the first 3 years of operation will be considered a violation of the Zoning Ordinance with enforcement and penalties as described in Sec. 11.12.1.B and Sec. 11.12.2.
3. To ascertain the level of success for implemented programs and services, incentives/disincentives, and other measures, annual updates to

transportation demand management plans must include, but may not be limited to, the following:

- a. A statistically valid travel survey of employees and residents, as applicable.
  - b. Annual report on parking utilization and operations.
  - c. Biennial counts of vehicle trips entering & exiting any parking facilities.
  - d. A status update of transportation demand management program & service implementation.
  - e. A statistically valid survey of employees and residents and parking utilization data, as applicable, to ascertain the level of success of implemented programs and services, incentives, and other measures in accordance with the purpose of this Section.
4. The cost associated with drafting a transportation demand management plan, annual updates, and all monitoring and reporting is borne by the property owner.

#### F. Process.

##### 1. Transportation Demand Management Plan Approval Process.

- a. A transportation demand management plan must be submitted to the Director of Planning and Development prior to or simultaneously with development review applications.
- b. The Director of Planning and Development shall issue a written preliminary decision within 30 days of receipt of the Transportation Demand Management plan indicating approval, approval with conditions, or denial of the proposed plan.
- c. The Director of Planning and Development shall issue a written final decision within 60 days of receipt of the Transportation Demand Management Plan indicating approval, approval with conditions, or denial of the proposed plan. The final decision of the Director of Planning and Development must be posted on the City website.
  - i. Upon mutual agreement by the applicant and the Director of Planning and Development, the time limits required of the Director to issue a preliminary and final decision may be extended. Mutual agreement of extended time limits must be in writing.
  - ii. Failure by the Director of Planning and Development to issue a written final decision within 60 days or any extended time period, if applicable, is deemed to be constructive approval of the proposed Transportation Demand Management Plan.
- d. If the project requires a Special Permit, the Special Permit Granting Authority shall require compliance to a transportation demand management plan, as approved by the Director of Planning and Development, as a condition of discretionary permit approval.
  - i. The Director of Planning and Development shall issue a reconciliation letter to address any conditions applied by the Special Permit Granting Authority to an approval required for development subject to the provisions of this Section.
- e. The final approved Transportation Demand Management Plan must be filed with the Registry of Deeds.

2. Annual Reporting Process.

- a. Annual Reports must be submitted in accordance with the deadlines and forms set by the Director of Planning and Development.
- b. A representative from an approved Transportation Management Association may jointly represent property owners subject to the provisions of this Section in the preparation of annual reports and implementation of programs and services to meet a property's Transportation Demand Management targets.
- c. The commitments and obligations of an approved transportation demand management plan are automatically transferred to the new property owner when ownership of real property subject to the provisions of this Section is transferred.

## 8.2. Signs.

### 8.2.1. Intent and Purpose.

- A. Signs perform important functions in the City, but too many signs can reduce the effectiveness of all signs in the vicinity and can have a detrimental impact effect on the visual environment. Signs are regulated as to time, place, and manner in order to:
  1. Provide property owners and tenants reasonable and effective means for identifying street address, business name, goods sold or produced, and services provided to the public
  2. Prevent hazards to the traveling public
  3. Provide for easy recognition and legibility of all permitted signs
  4. Ensure building transparency requirements are maintained
  5. Preserve the visual quality of the city

### 8.2.2. Applicability.

- A. No sign shall be erected, displayed, or maintained within the City, except those specifically provided for in this section or in other chapters of the Revised Ordinances.
- B. Nothing contained in this Section shall be construed as the content-based regulation of sign messages prohibited by the federal or state constitution, statutes, or court decisions.
- C. Nothing contained in this Section shall be construed to conflict with M.G.L. Chapter 85, Section 8 & 9 or M.G.L. Chapter 93, Sections 29 through 33, as amended.

### 8.2.3. Definitions.

- A. **Sign.** Any name, identification, description, emblem, logo, structure, or device, visible or intended to be visible from any public place which directs attention to a person, product, place, activity, institution, business, organization, activity, or service including any letter, numeral, character, figure, emblem, painting, illustration, banner, pennant, placard, or temporary sign designed to advertise, identify, solicit, or convey information Signs include devices designed to attract the eye by intermittent or repeated motion and any permanently installed or situated merchandise, with the exception of window displays.
  1. The following are not considered signs:
    - a. The flag of any nation, state, or City if displayed in a manner conforming to the Flag Code (4 USC §5 (2011) et seq.).
    - b. Any sculpture, statue, relief, mosaic, or mural that is a work of art or otherwise decorative and does not include a commercial message or symbol related to a commercial use.
- B. **Accessory Sign.** A sign that directs attention to the property on which the sign is located.

- C. **Non-Accessory Sign.** A sign that directs attention to an activity, service, product, organization, or business not located at the property on which the sign is located.
- D. **Sign Band.** The sign band is the area above the ground story entrance and below the sills of the second story windows on a multi-story building or below the roof line, parapet wall, or cornice of a single-story building.
- E. **Window Sign.** A sign affixed to or mounted within 6” of a window.
- F. **Window Display.** Merchandise and sign displays located 6” or more behind a window.

#### 8.2.4. Exempt Signs.

The following signs are exempt from regulation under this section:

- A. A public notice or informational sign required by federal, state, or local law, regulation or ordinance and any sign erected by a government agency or public utility in the performance of a public duty
- B. Signs indicating the address of a property.
  1. Address signs for any residential or commercial property are exempt up to 2 square foot, which may include the name of the occupant, and may not exceed 1 such sign per address.
  2. Addresses, names of buildings, dates of erection, commemorative tablets, and the like when carved into stone, made of cast metal, or otherwise made a permanent and integral part of the building are exempt up to 20 square feet.
- C. Credit card, trading stamp, trade association, or similar signs not exceeding 0.5 square feet each and not exceeding 10 per business or civic establishment. Gasoline pumps and other accessory business structures may each contain up to 10 such 0.5 square feet signs.
- D. Historic building identification, as reviewed by the Director of Planning and Development or designee.
- E. Clocks and thermometers displaying no information other than the time and temperature.
- F. Signs on the valance of a canopy or awning with the name or address of a commercial or institutional establishment, not exceeding one sign of 4 square feet.
- G. Signs not to exceed 2 square feet which indicate warnings, hazards, or public conveniences such as “trespass,” “beware of dog,” parking space information, or restaurant menu.

#### 8.2.5. Prohibited Signs.

The following signs shall not be permitted, constructed, erected, or maintained.

- A. Signs that, in location, meet any of the following criteria are prohibited:
  1. Signs that interfere with free passage from or obstructs any building egress or the opening of any window to provide light and air
  2. Signs that create less than 4’ clearance on a sidewalk

3. Signs which are located on or extend above the roof plate line of a building
  4. Signs attached to landscape elements including trees, rocks, and fences
- B. Signs that, in manner, meet any of the following criteria are prohibited:
1. Signs that flash, move, blink, rotate, simulate motion, feature electronic sign copy, or has illumination that changes intensity over time, including televisions or monitors.
  2. Signs that emit audible sounds, odors, or visible matter
  3. Inflatable signs and other gas inflated objects
  4. Any sign and/or sign structure that obstructs the view of, is confusing with, or imitates official traffic sign, signal, or device
  5. Signs which advertise or call attention to any products, businesses, or activities which were but are no longer sold or carried on at the premises.
  6. Sign structures that no longer contain any sign face

#### 8.2.6. General Standards.

##### A. Sign Area.

1. Sign area is measured by the following standards:
  - a. The entire area within a single continuous perimeter, and a single plane, which encloses the extreme limits of the message or announcement or wording together with any frame, background, trim, or other integral part of the display, including any background area without which the sign is illegible.
  - b. Sign area of a free-standing sign or a blade sign is the entire area of one side of such sign such that two faces which are back to back are counted only once.
2. Sign Supports and Raceways.
  - a. Any supports, braces, anchors, and other supporting hardware must be integral to the design of the sign.
  - b. Braces, anchors, supports, or other hardware exceeding 8 inches in diameter are measured within the sign area.
  - c. Free-standing sign bases not exceeding 2 feet in height or 1 foot beyond the sign in any direction are not included in the sign area.
  - d. Raceways are a wall mounted sign support for channel letters and are considered part of the sign area. A raceway must be finished to match the background wall or canopy or integrated into the overall design of the sign.

##### B. Sign Illumination.

1. General.
  - a. Illuminated signs indicating if a business is open must be turned off except during the hours of operation
2. External Illumination.
  - a. An externally illuminated sign is characterized by the use of artificial light reflected off the surface of a sign



- b. External light sources must be shielded so that they illuminate only the face of the sign and do not shine directly onto a public right-of-way or onto adjacent properties
  - c. Light fixtures that project from the front elevation of a building for externally illuminated signs are exempt from setback requirements.
  - d. Light fixtures for external illumination should be simple and unobtrusive in design and not obscure the sign content
  - e. Externally illuminated signs are allowed in all districts
3. Internal Illumination.
- a. An internally illuminated sign is characterized by the use of artificial light projecting through or from behind the surface of a sign
  - b. Channel letters may be internally lit or back-lit
  - c. Signs may be internally lit cabinets if the background is opaque or of a darker color than the message of the sign and the lettering is no more than 50% of the surface area of the sign
  - d. Exposed neon is only permitted for wall or windows signs
  - e. Internally illuminated signs are prohibited in the Residential 1, Residential 2, Residential 3, and Neighborhood General Districts
4. Illumination in Window Signs and Window Displays.
- a. Window signs and window displays may contain internally or externally illuminated signs.
  - b. Any illumination for a window display in the R1, R2, R3, and N districts must be turned off when the business is closed. Any illumination for a window display in all other districts may be illuminated after a business has closed but must be turned off between 2 am and 5am unless the business is open during those hours.

#### C. Sign Maintenance and Removal.

- 1. All signs, including nonconforming signs, together with any supports, braces, anchors, and other supporting hardware, must be maintained in good condition.
- 2. When an existing sign is removed, replaced, or repaired, all supports, braces, anchors, and other supporting hardware that is no longer required must be removed, and any surfaces baring evidence of attachment must be appropriately repaired.
- 3. Signs must be removed within 30 days of a user vacating a property.
  - a. If any sign is not removed within 30 days, the Commissioner of Inspectional Services may, after giving written notification, in hand or by certified mail, return receipt requested, to the owner of the premises, have such sign removed and assess any costs of the removal to the owner.

#### 8.2.7. Window Signs and Window Displays.

- A. **Intent.** Window signs and window displays are regulated to ensure that building transparency requirements are met. Window signs are intended to be viewed at

close range by pedestrians and may include detailed information such as the business website, phone number, and hours of operation.

**B. Window Signs.**

1. Permanent window signs shall cover no more than 15% of each window. The total of all permanent and temporary window signs shall not cover more than 25% of each window.
2. For the purposes of this measurement, a window is considered as the transparent glazed area between solid surfaces. Glazed areas separated by mullions are considered as a single window. Spandrel glass is not considered a window upon which signs may be placed.
3. Temporary window signs must be removed after 90 days.
4. Window signs are prohibited above the ground story.

**C. Window Displays.**

1. Window displays may include advertising signs as well as merchandise displays.
2. Window displays must allow views into and out of the window to the use within. No window display may block more 25% of a window's transparency, unless the opaque items are placed at least 4 ft inside from the surface of the window.

**D. Process.** Window signs and window displays do not require a sign permit.

**8.2.8. Permanent Accessory Signs for a Commercial or Institutional Establishment.**

**A. Intent.** Permanent accessory signs are regulated to provide legible directional guidance for visitors to businesses and civic institutions. Permanent sign types are regulated with respect to time, place, and manner.

**B. Standards for all districts.**

1. The information type in permanent accessory signs is limited to business names and logos. Additional information is prohibited. Temporary signs may be placed over permanent signs with other messages (see 8.2.12.A).
2. An establishment may choose to utilize any of the sign types in 8.2.8.D for their primary or secondary sign in accordance with the applicable standards.
3. Home Businesses may not utilize the standards of this section but may have exempt signs in accordance with Sec. 8.2.4.
4. **Sign Size Based on Occupied Wall Width.**
  - a. A primary or secondary sign mounted on the building must be on a wall behind which the establishment is located.
  - b. The size of a primary or secondary sign is calculated based on the width of the occupied space measured at the wall on which the sign is to be located.
  - c. Establishments which occupy the corner of a building may have an additional primary sign on the wall facing the secondary front lot line if that wall is at least 50% of the width of the occupied front elevation on the first wall.

C. Primary and Secondary Signs.

Each business and/or institutional establishment may have primary and secondary signs in accordance with the following table:

District	Primary Sign (max. # @ max. size)	Secondary Sign (max. # @ max. size)
<ul style="list-style-type: none"> <li>R1, R2, R3, N</li> <li>N.C.M. Residence</li> </ul>	1 @ 20 sf	1 @ 10 sf
<ul style="list-style-type: none"> <li>V1, V2, V3</li> <li>Fabrication</li> <li>Office</li> <li>Campus/ Institutional</li> </ul>	1 @ 3 sf per linear foot of occupied wall width or 75 sf, whichever is less	2 @ 1 sf per linear foot of occupied wall width or 32 sf, whichever is less
<ul style="list-style-type: none"> <li>Public Use</li> <li>Recreational</li> </ul>	1 @ 32 sf	1 @ 20 sf
<ul style="list-style-type: none"> <li>Office</li> </ul>	1 @ 3 sf per linear foot of occupied wall width or 100 sf, whichever is less	2 @ 1 sf per linear foot of occupied wall width or 50 sf, whichever is less
<ul style="list-style-type: none"> <li>Regional Retail</li> </ul>	1 @ 3 sf per linear foot of occupied wall width or 120 sf, whichever is less	2 @ 1 sf per linear foot of occupied wall width or 50 sf, whichever is less

D. Permanent Accessory Sign Types.

1. **Wall Signs.** A sign affixed parallel to the wall of a building.
  - a. Wall signs may be used for primary or secondary signs.
  - b. A wall sign shall project no more than 1 foot from the building surface.
  - c. Wall signs are limited to being placed in the sign band.
    - i. The location of the sign band on a building may be modified by applying for a Comprehensive Sign Plan (See Sec. 8.2.9).
2. **Blade Signs.** A two-sided sign that is attached to and projecting perpendicularly from the front elevation of a building. Blade signs are intended to be viewed by pedestrians on the same side of the street.
  - a. Blade signs may be used for primary or secondary signs.
  - b. Blade signs must be located within 10 feet of the principal entrance for the business it identifies.
  - c. Blade signs may have no more than 2 faces and shall not project more than 6 ft in any linear dimension. When a projecting sign is closer than 12 feet to the corner of a building, its projection shall be no more than a distance equal to 1/2 the horizontal distance from the sign to that building corner.
  - d. Blade signs must be mounted with at least 8 ft of clearance above a sidewalk. Blade signs must also be mounted below the sills of the second story windows of a multi-story building or below the roof line, parapet wall, or cornice of a single-story building.

- e. Blade signs are prohibited for upper story establishments.
- 3. **Canopy Signs.** A sign on or attached to a permanent overhanging shelter which projects from the face of a building and is entirely supported by said building.
  - a. Canopy signs may be primary or secondary signs.
  - b. Canopies with no text or logos that provide shelter to entrances or shade to windows are not considered canopy signs.
- 4. **Free-standing Signs.** A sign erected on or affixed to the land by post, pole, pylon or any framing or supporting device or stand which is not affixed to a building.
  - a. A Special Permit is required to use a free-standing sign as a primary sign or secondary sign in accordance with the limits below:
    - i. In all districts except the Regional Retail district, a free-standing sign is limited to 75 sf in area and 16 ft in height from grade.
    - ii. In the Regional Retail district, a free-standing sign is limited to 120 sf in area and 25 ft in height from grade.

#### E. Process.

- 1. All permanent accessory signs meeting the standards of 8.2.8 require sign permits from the Commissioner of Inspectional Services.

### 8.2.9. Comprehensive Sign Plans for Properties with Multiple Establishments.

- A. **Intent.** Properties with multiple commercial or institutional establishments may, depending on the site plan, architecture, and signage layout, be more difficult for a visitor to navigate to their destination, and as such, have additional sign standards intended to make it easy to navigate to the property and then to the ultimate destination.
- B. **Standards for all districts.**
  - 1. Any property with 5 or more commercial or institutional establishments and any property seeking approval of the signs listed in 8.2.9.B.2 below, must have an approved Comprehensive Sign Plan.
  - 2. A Comprehensive Sign Plan must identify the following:
    - a. Location of the sign band(s) for each building on the property, noting where the sign band is different from the standard definition.
    - b. Location of any building identification or wall-mounted directory signs
    - c. Permanent structures for temporary signage
      - i. Wall-mounted Display Case
      - ii. Community Notice Boards
    - d. Location of wayfinding signs.
      - i. Any lot may include up to 6 permanent free-standing signs not exceeding 6 sf each. Information type is limited to wayfinding around the property but may include business names and logos to provide clear directional guidance to the public.

**C. Building Identification Signs.**

Each building containing multiple business and/or civic establishments may have primary and secondary signs to identify the name and/or address of the building as allowed by the district in accordance with the table in 8.2.9.C.

1. Building identification signs must be identified in a comprehensive sign plan.
2. Building identification signs may be any of the sign types listed in 8.2.8.E with the following additional standards:
  - a. Building identification signs are intended to help visitors locate a building rather than any specific business or civic institution within it and therefore must be distinct from any establishment’s signs and may not contain logos.
  - b. Building identification signs are not required to be in the sign band and may be on upper-stories. Locating a building identification sign outside of the sign band must be identified in the Comprehensive Sign Plan.

**D. Wall-mounted Directory Signs.**

Each building with multiple business and/or civic establishments may have wall-mounted directory signs in accordance with the table in 8.2.9.E.

1. In all districts, a directory sign must be within 10 ft of a building entrance serving multiple establishments. Each establishment may have up to the 50% or 12 square feet of sign area, whichever is less, within the directory sign.

**E. Buildings with multiple business and/or civic establishments may have building identification and wall-mounted directory signs in accordance with the following table:**

District	Building Identification Signs (max. # @ max. size)	Wall-Mounted Directory Signs (max. # @ max. size)
<ul style="list-style-type: none"> <li>• R1, R2, R3, N</li> <li>• N.C.M. Residence</li> </ul>	SP Required: 1 @ 20 sf	SP Required: 1 @ 10 sf
<ul style="list-style-type: none"> <li>• V1, V2, V3</li> <li>• Fabrication</li> <li>• Office</li> <li>• Campus/ Institutional</li> </ul>	1 @ 3 sf per linear foot of front elevation or 75 sf, whichever is less  1 @ 1 sf per linear foot of front elevation or 20 sf, whichever is less	2 @ 10 sf
<ul style="list-style-type: none"> <li>• Public Use</li> <li>• Recreational</li> </ul>	1 @ 10 sf	2 @ 10 sf
<ul style="list-style-type: none"> <li>• Regional Retail</li> </ul>	1 @ 3 sf per linear foot of front elevation or 100 sf, whichever is less  1 @ 1 sf per linear foot of front elevation or 50 sf, whichever is less	2 @ 50 sf

- F. **Wall-mounted Display Case.** A wall mounted, lockable, framed cabinet with a transparent window to display changeable content related to the business or civic establishment, like a menu or list of event showtimes. Display cases are intended to be viewed at close range by pedestrians.
1. A display case may not exceed 6 sf in area or a maximum of 3 ft in any linear dimension.
  2. A display case must be attached to the front elevation or wall of a recessed storefront entrance.
  3. A display case must be located at least 4 feet above the sidewalk and below the top of the doorway and must be within 10 feet of the building entrance.
  4. A display case may be internally or externally illuminated.
  5. Display cases must receive a sign permit from the Commissioner of Inspectional Services. Temporary signs within the display case are exempt as long as any individual sign does not exceed 2 square feet.
- G. **Community Notice Boards.** A covered or enclosed case for the display of temporary messages to the community at large.
1. Community notice boards must be identified on a Comprehensive Sign Plan.
  2. Community notice boards may not exceed 8 ft in height or 10 ft in any linear dimension.
  3. Temporary signs on the community notice board are exempt as long as any individual sign does not exceed 2 square feet.
  4. Civic Building Types may locate a community notice board in the front yard between the front lot line and the building front elevation.
- H. **Process.**
1. A Comprehensive Sign Plan must be approved by the Commissioner of Inspectional Services with advice of the Director of Planning and Development and the Urban Design Commission.
    - a. In reviewing a Comprehensive Sign Plan, the Commissioner of Inspectional Services must find that the application meets the following criteria:
      - i. No proposed sign location outside the standard definition of the sign band will be detrimental to the neighborhood.
      - ii. All other aspects of the sign plan are consistent with Section 8.2, such as, but not limited to, to sign types, sizes, and illumination.
    - b. The Urban Design Commission shall review any application for a Comprehensive Sign Plan and provide a written recommendation to the Director of Planning and Development and Commissioner of Inspectional Services within 35 days.
    - c. The Commissioner of Inspectional Services shall issue a written final decision within 60 days of receipt of the Comprehensive Sign Plan indicating approval, approval with conditions, or denial of the proposed plan.
      - i. Upon mutual agreement by the applicant and the Commissioner of Inspectional Services, the time limits required to issue a decision by the Urban Design Commission or the Commissioner

of Inspectional Services may be extended. Mutual agreement of extended time limits must be in writing.

- d. After approval of a Comprehensive Sign Plan, any sign meeting the sign standards and sign band locations of the plan, may receive a sign permit from the Commissioner of Inspectional Services without further review.
  - i. The Commissioner of Inspectional Services may request advice from the Director of Planning and Development and the Urban Design Commission if there is a question about the consistency of a proposed sign with the approved plan.
- e. Modifying a Comprehensive Sign Plan, requires approval of the Commissioner of Inspectional Services with advice of the Director of Planning and Development and the Urban Design Commission following the process for a plan outlined above.

#### 8.2.10. Special Permit to vary the number, size, or standards of an accessory sign type.

- A. The Special Permit Granting Authority for signs is the Planning Board.
- B. In all Village and Single Purpose Districts, a Special Permit may be granted to approve a comprehensive sign plan that identifies more or larger primary or secondary signs for unspecified establishments, or to vary the standards of a sign type.
- C. **Review Criteria.** In its discretion to approve or deny a special permit authorizing more, or larger signs, or to vary the standards of a sign type, the Special Permit Granting Authority must find that the application meets the following criteria:
  - 1. The criteria for all Special Permits specified in Sec. 11.4.3.
  - 2. Depending on the application, one of the following criteria:
    - a. The addition, enlargement, or special location of the sign improves navigation for the visiting public, OR
    - b. The addition, enlargement, or specific location of the sign spurs additional interest in Newton businesses for a regional audience, OR
    - c. The addition, enlargement, or specific location of the sign serves a unique placemaking role for the immediate context.

#### 8.2.11. Non-accessory Sign Types.

- A. Non-accessory directory signs.
  - 1. Complexes consisting of multiple properties may include non-accessory directory signs, subject to special permit, provided that all signage is for uses and activities within the complex of related properties.
  - 2. **Review Criteria.** In its discretion to approve or deny a special permit authorizing non-accessory directory signs, the Special Permit Granting Authority must find that the application meets the following criteria:
    - a. The criteria for all Special Permits specified in Sec. 11.4.3.
    - b. Information type is limited to wayfinding around the properties but may include business names and logos to provide clear directional guidance to the public.

- c. Non-accessory directory signs may be wall-mounted or free-standing.
- B. All other permanent non-accessory signs, including billboards, are prohibited.

### 8.2.12. Temporary Signs.

The following temporary sign types are regulated with respect to time, place, and manner. Temporary signs are regulated to prevent sign clutter while allowing residents to express themselves through signage on their property and allowing businesses and civic establishments to advertise special events. Permanent structures for displaying temporary signage are permitted subject to permitting as described below.

#### A. Accessory Temporary Signs.

##### 1. Temporary Signs in place of Permanent Accessory Signs.

- a. A temporary sign may be placed in the proposed location of a permanent sign during the sign review process, from the time a sign application is submitted to the Commissioner of Inspectional Services to the 30 days after the issuance of a decision of the Commissioner or Planning Board, as appropriate. In the event of an unfavorable decision, such temporary sign shall be removed within 2 business days.
- b. Such signs shall conform to the size and location requirements of this section or, in the case of a special permit application, the size and locations proposed in the application.
- c. Such signs shall be temporary in nature and displayed in a manner that will not deface the building front elevation or otherwise impinge upon the review of the proposed sign.
- d. Temporary signs of equal size may also be placed over a permanent sign at any time to display a temporary message of a non-commercial nature. Such temporary signs may be in place up to 90 days in a calendar year.

##### 2. Accessory Yard Signs.

- a. **Yard Sign, defined.** A two-sided sign mounted in a front yard between the front lot line and the building front elevation. Yard signs are intended to be viewed at close range by pedestrians on the same side of the street and motorists.
- b. Temporary commercial yard sign for residential uses.
  - i. Residential uses may locate a temporary yard sign not to exceed 6 square feet, announcing temporary activity of a commercial nature at the property. Such commercial activities may include, but are not limited to, garage sale, work being done by a contractor on the property, or sale of the property. Home Businesses, as permanent commercial activity, are not allowed to advertise through temporary commercial yard signs.
  - ii. A maximum of 1 sign is allowed per commercial activity.
  - iii. Such signs may be placed up to 3 days prior to the beginning of the temporary commercial activity and must be removed within 3 days after the completion of the activity. In the case of a real estate transaction, the temporary commercial activity shall be considered the period of listing on the market and shall conclude at the execution of a rental contract or closing of a sale.



- c. Temporary non-commercial yard sign for residential uses.
  - i. Accessory non-commercial yard signs are intended to allow for personal expression of the residents of the property through temporary signage.
  - ii. Residential uses may display a maximum of 2 temporary signs for a non-commercial purpose, each up to 6 sf, for up to 56 days at a time.
- d. Accessory yard signs for commercial uses.
  - i. Accessory yard sign locations for commercial uses are subject to comprehensive sign plan review. A lot may have no more than 1 temporary yard sign location for every 100 ft of frontage.
  - ii. Should a property have more than one approved yard sign location, each business or civic establishment may display a maximum of 1 yard sign at a time.
  - iii. Commercial yard signs shall not exceed 6 sf.
  - iv. Accessory yard signs for commercial uses must be made of chalkboard material.
  - v. Commercial and civic establishments may use their approved temporary yard sign locations to display a non-commercial message.
  - vi. Accessory yard signs for commercial uses may be placed on sidewalks on private land, provided placement allows at least 4 ft of clearance around the sign.

3. **Sidewalk Signs.** Temporary signs located on City-owned sidewalks.

Sidewalk signs are regulated by the Department of Public Works in accordance with Article 25 of the Revised Ordinance of the City of Newton.

B. **Non-accessory Temporary Signs.**

- 1. **Community Notice Boards.** Temporary signs placed on the community notice board are exempt as long as any individual sign does not exceed 2 square feet.
- 2. **Non-accessory Yard Signs.** Yard signs carrying non-commercial messages from a community group or political campaign; these signs are typically coordinated across multiple properties in the community.
  - a. Yard signs with non-commercial messages from a Newton-based non-profit organization or a political organization at the local, state, or federal level may be placed in the front yard between the front lot line and the building front elevation of residential properties with consent of the property owner.
  - b. Non-accessory yard signs shall not exceed 6 sf.
  - c. A property shall not have more than 1 non-accessory yard sign from an organization at a time, for a maximum of 56 days at a time.

## 8.3. Stormwater Management.

8.3.1. **Intent and Purpose.** The intent of these provisions is that any use of land be designed and operated to address issues of water quality and quantity and to:

- A. Contribute to the protection and restoration of Newton's waterways;
- B. Reduce the burden on the City's stormwater drainage infrastructure;
- C. Limit the potential for flooding of neighboring properties;
- D. Encourage sustainable and environmentally friendly development efforts; and
- E. Support efforts to address requirements under the City's National Pollutant Discharge System permit.
- F. Be consistent with State stormwater standards (citation needed).

### 8.3.2. Definitions.

- A. **Best Management Practices (BMP).** For purposes of stormwater management, structural, non-structural and managerial techniques that are recognized to be the most effective and practical means to prevent or reduce nonpoint source pollutants from entering receiving waters and reduce overall run off volumes and peak flows.
- B. **Impermeable surfaces.** Any material or structure on or above the ground that prevents water infiltrating the underlying soil. Impermeable surface includes without limitation roads, paved parking lots, sidewalks, and rooftops.
- C. **Permeable or Pervious.** Surfaces and the underlying material that consistently allow rapid infiltration of water.
- D. **Total suspended solids (TSS).** Matter suspended in water or stormwater, when water is filtered for laboratory analysis, TSS are retained by the filter, dissolved solids pass through.

### 8.3.3. Applicability.

- A. This section applies to all real property where there is proposed
  - 1. An increase in the area of impermeable surfaces of 400 square feet or more, aggregate across a lot or lots
  - 2. Any change in grade of greater than [TBD with ISD & Engineering]

### 8.3.4. Stormwater Management Requirements.

- A. **Erosion & Sediment Control.** All projects subject to this section shall have appropriate erosion and sediment control methods in place during the construction period according to a plan approved by city engineer. [Reference to erosion and sediment control ordinance [this section will likely be reserved until the erosion and sediment control ordinance is adopted.]
- B. **Small Impervious Area Projects.** Increases of impermeable area of between 400 square feet and 800 square feet must employ stormwater management best

practices sufficient to collect stormwater runoff from a 1-inch rainstorm from an impermeable area equivalent in size to the amount added to the property as approved by the City Engineer. These best practices would employ drain lines or swales which lead to depressed vegetated areas, underground dry wells, cisterns, stone infiltration trenches, or similar.

- C. **Large Impervious Area Projects.** Increases of impermeable area greater than 800 square feet must utilize site planning and design criteria in combination with BMPs to achieve the following standards as approved by the City Engineer.
  1. No net increase in stormwater runoff to neighboring properties or the City's stormwater drainage system;
  2. Stormwater quality improvements representing a 80% reduction in total suspended solids and a 50% reduction in total phosphorous.
- D. **Change in Grading.** Changes in the grading of land must demonstrate to the City Engineer's satisfaction that there will be no net increase in stormwater runoff to neighboring properties or the City's stormwater drainage system.
- E. **Offsite Mitigation.** Where compliance is technically infeasible or to avoid harm (flooding) to neighbors or city systems, as determined by the City Engineer, the requirements of this section can be met in whole or in part through offsite mitigation. Compliance can be found to be technically infeasible due to limiting factors such as:
  1. Seasonal high groundwater
  2. Bedrock/ledge
  3. Slopes where infiltrated stormwater could lead to flooding of nearby properties, including flooding as a result of increased or rerouted groundwater flow.
  4. The scale and nature of the project design, which would make compliance difficult.
  5. Brownfields or other site contamination.
- F. Where the City Engineer determines that offsite mitigation is warranted, mitigation may include such methods as incorporation of stormwater management BMPs such as bioswales or similar into the street right-of-way, parking lot retrofits with stormwater management BMPs, neighborhood-scale structural BMPs or similar or payment into a mitigation fund. Offsite mitigation must occur within the same sub-watershed as the project, as determined by the City Engineer, with preference given to mitigation projects close to the project. Off-site mitigation must also include an explanation of how long-term operations and maintenance will be managed.

#### 8.3.5. Stormwater Management Maintenance.

- A. A Stormwater Operations & Maintenance Plan describing how the requirements of this section will be met is required and must be approved by the City Engineer.
- B. All projects subject to this section must have an approved Stormwater Operations & Maintenance Plan recorded with the deed [or kept with City Engineer's Office].

- C. Large Impervious Area Projects, as described above, must submit an annual letter to the City Engineer indicating continued compliance with the approved stormwater operations & maintenance plan.
- D. A stormwater operations & maintenance plan must include methods, practices and maintenance schedules for ensuring that surfaces engineered to be permeable or pervious are maintained as permeable or pervious.

## 8.4. Environmental Site Design.

### 8.4.1. Intent and Purpose.

The intent of this section is to:

- A. Ensure that large development projects and parking lots make use of landscaping and other site design features to mitigate environmental impacts associated with storm-water, air quality, and heat
- B. Address screening, where necessary, between potentially incompatible uses
- C. Reflect special attention to significant environmental features such as Newton's wetlands, waterways, and Great Ponds

### 8.4.2. Landscaping.

- A. **Parking Lot Landscaping Requirements.** Parking lots of 20 spaces or more must have landscaping in accordance with the following requirements:
  - 1. An area equivalent to at least 5% of the interior area of the parking lot, excluding perimeter landscaping, screening, or sidewalks, must be landscaped and continuously maintained.
  - 2. There must be at least 1 shade tree for every 10 parking spaces located in the interior landscaping areas.
  - 3. Each tree must have at least 3 inches in caliper at the time of planting.
  - 4. Trees must be planted in accordance with one of the following standards:
    - a. Trees may be planted in open tree pits with at least 25 square feet with no side dimension measuring less than 5 feet. Open tree pits must not have mounded earth or mulch. The level of soil or mulch must be at or below the level of the adjacent curb or paved surface.
    - b. Trees may be planted in structural soils with permeable surface material. Trees in structural soil must have at least 750 cubic feet of soil volume.
- B. **Parking Lot Screening Requirements.** Parking lots must be screened from abutting properties with a residential use in accordance with the following requirements:
  - 1. Screening materials must be located along the perimeter of the parking facility where it abuts a separate property with a residential use. Screening must consist of one or a combination of the following:
    - a. A strip of at least 5 feet in width of densely planted shrubs or trees which are at least 3 1/2 feet high at the time of planting and are of a type that may be expected to form a year-round screen;
    - b. A wall, barrier, or fence of uniform appearance. Such wall, barrier, or fence may be opaque or perforated provided that no more than 50% of the face is open, and must be at least 3 feet and not more than 6 feet in height.
  - 2. Every effort should be made to retain existing trees (see sec. 8.4.5).

3. The required screening must be designed and located so as not to conflict with any corner visibility requirements or any other City ordinances.
4. The required screening may be interrupted by passageways.

C. **General Landscaping Requirements.** [Reserved]

**8.4.3. Great Ponds.**

- A. **Defined.** A natural pond with an area of 10 acres or more. There are 2 Great Ponds in Newton, Hammond Pond and Crystal Lake.
- B. **Standards.** All development within 300 feet of a Great Pond requires a Special Permit from the Planning Board in accordance with the procedures described in Article 11. In its discretion to approve or deny a special permit authorizing development within 300 ft of a Great Pond, the Special Permit Granting Authority must find that the application meets the following criteria
  1. The criteria for all Special Permits specified in Sec. 11.4.3.
  2. Physical improvements and/or management practices have been incorporated above and beyond that required under section 8.3 Stormwater Management, to address water quality and nutrient loading in the Great Pond.
  3. Public views of the Great Pond have been maintained.
  4. Where commercial uses are present, public access to the Great Pond has been maintained or provided.

**8.4.4. Floodplain, Watershed Protection.**

Floodplain and watershed protection is not part of this Chapter and is regulated in the Revised Ordinances Chapter 22, Article II, Sec. 22-22 et. seq.

**8.4.5. Tree Preservation.**

Tree preservation is not part of this Chapter and is regulated in the Revised Ordinances Chapter 21, Article III, Div. 3, Tree Preservation.

## 8.5. Fences & Retaining Walls.

### 8.5.1. Fences.

Fences are regulated in the Revised Ordinances Chapter 5, Article III, Fences.

### 8.5.2. Retaining Walls.

- A. **Defined.** A wall or terraced combination of walls holding a mass of earth material at a higher position. Where there is a combination of walls height is measured from the foot of the lowest wall to the top of the highest wall. A berm with a slope of 1:1 or greater is considered a retaining wall.
- B. **Review Criteria.** A retaining wall of 4 feet in height or greater requires a special permit from the Planning Board. In its discretion to approve or deny a special permit authorizing a taller retaining wall, the Special Permit Granting Authority must find that the application meets the following criteria:
  - 1. The criteria for all Special Permits specified in Sec. 11.4.3
  - 2. The retaining wall will not negatively impact the quality and safety of the pedestrian environment where abutting a public street.
  - 3. Stormwater runoff implications for neighboring properties and public spaces, including consideration of altered groundwater flows.

## 8.6. Sustainable Building Design.

### 8.6.1. Intent and Purpose.

The intent of this section is to:

- A. Reduce the use of energy, water, and other natural resources in Newton's building stock
- B. Increase the use of renewable energy sources for electricity, transportation and heat
- C. Increase the use of electricity for transportation
- D. Increase the number of energy efficient buildings
- E. Minimize the environmental impacts of construction materials and methods, including waste reduction

### 8.6.2. Definitions.

### 8.6.3. Sustainable Building Design Standards.

- A. **Solar Panels.** Any building with a roof area greater than 10,000 square feet must include solar panels on a minimum of 50% of the roof area. The Special Permit Granting Authority may reduce or eliminate this requirement where it is determined that the same or greater amount of the building's energy as would be produced by solar panels on the roof of the building will come from renewable energy sources.

### 8.6.4. Sustainable Building Design Incentives.

- A. Buildings that achieve a [place standard here – could be LEED Gold] are eligible for a bonus in the number of residential units created in the building according to the standards for the building type as reflected in the residential unit factor for each building type.



## 8.7. Cultural Arts Requirements.

[Reserved]

## 8.8. Noise.

Noise is not a part of this Chapter and is regulated in the Revised Ordinances Chapter 20, Article II, Noise.

## 8.9. Outdoor Lighting.

Outdoor Lighting is not a part of this Chapter and is regulated in the Revised Ordinances Chapter 20, Article IV, Light Trespass.

## 8.10. Inclusionary Zoning.

[Reserved]